1954/43

File No. Telegraph II/42

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Legal DEPARTMENT

B BRANCH

Subject:— Rules and Notifications under the Indian Telegraph Act 1885

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| | The Indian Telegraph Act, 1885. | | |
| 1. | U.R. to H.D.(Special) War, No.2735, dated 26th March 1942. | Sec.5(1)(a) issue of order under sec. to put the isolation telephone system in operation. | 1- 2. |

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SMD 30/4.

Office of the R.L.A.

The order contemplated in this case cannot be issued under clause (a) of section 5(1) of the Indian Telegraph Act, 1885. That clause empowers the Central or Provincial Government or any officer specially authorised in this behalf by the Central or Provincial Government to take temporary possession of any telegraph, established, maintained or worked by any person licensed under the Act. The order contemplated in this case is for putting the Isolation Telephone system in operation. The order will not in any sense amount of taking possession of the telegraph and will not, therefore, fall under clause (a) of section 5(1) of the Act. Clause(b) of this section however empowers the Provincial Government or any officer specially authorised by it in this behalf to order, inter alia, that any message or class of messages to or from any person or class of persons brought for transmission by or transmitted or received by any telegraph shall not be transmitted. The Isolation Telephone System will have the effect of prohbiting the transmission of messages by the ordinary public to the 'isolated' subscribers on the telephone during the emergency period, which messages would have been in normal times transmitted to such subscribers on the telephone. The order to put the Isolation Telephone System in operation will thus fall under clause (b) of section 5(1) and can be issued under the said clause.

2. As regards the wording of the order, there is no particular form prescribed under the Act for the order. In the instructions which would be issued by the Joint Secretary to Government, Home Department (A.R.P.), for putting the system into operation it would be sufficient to add that they are issued in exercise of the powers conferred by clause (b) of section 5(1) of the Indian Telegraph Act, 1885.

Id/------25/3.
Remembrancer of Legal Affairs.

U.R. to H.D.(Special) War. No.2735 dated 26-3-42.

DYR